

THE SOVIET LEGACY: CRIME AND PUNISHMENT IN LATVIA

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Abstract

The overall aim of this paper is to explore the operation of the Latvian penal system and to examine the impact of physical prison conditions on social relationships among prisoners and key stakeholders, such as prison officers and administration staff. Specifically the research aims to explore how prison conditions affect the interpersonal relationships and social order among prisoners and prison staff. If prison's overriding goals of reform and rehabilitation are to be achieved, prisoners as well as prison staff need to be asked how this can be accomplished better (redesigning the prison environment, receiving adequate assistance throughout the sentencing and appropriate help after release). Therefore, one of the envisaged outcomes of this research is not only to understand how the current prison physical conditions affect the relationship building and the maintenance of order within Latvian Central Prison, but how inmates and prison staff could also provide valuable input in future prison strategy design and implementation.

Introduction

The all-powerful Soviet Union that stretched from Siberia's vast taiga to Eastern Europe left a notable legacy for its 'member states' for years to come. Latvia was among those states that in the early 90s gained its independence; however, the legacy of the Soviet Union is felt even in the current day despite all efforts to become a 'Western state equivalent'. The aim of this article is to provide a brief account of imprisonment during the Soviet era and the legacy that continues to affect not only the penal system today in Latvia but also society as whole.

Latvia, like many other post-Soviet states, has suffered from a poor and overcrowded prison system ever since establishing its independence. Long prison sentences and a high level of crime provided favourable conditions for overcrowded prison cells and a malfunctioning system, where offenders often could find themselves in a vicious circle as little or no help was available to them both while in prison and after release. The general situation in Latvian prisons during the early 1990s was similar to that described by Piacentini (2004) when one had to queue to obtain a bed to sleep in because of slow legal changes. Thus, the influence of the Soviet Union should not be understated while addressing the issue of imprisonment in any post-Soviet state. The first section will look at the concept of imprisonment within the

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Soviet Union and continue by looking at the Soviet legacy, where it will be argued that in Latvia, similar to other former Soviet countries, people are the true carriers and representatives of the Soviet legacy.

1 The Concept of Imprisonment within the Soviet Union

Imprisonment during the Soviet era was a controversial issue. On the one hand, the underlying principles of the Soviet Union sought to destroy the roots of crime by eliminating private property and promoting the principle 'from each according to his ability, to each according to his needs'. It was thought that 'communism' would bring an ideal system where "the putative bases of criminal behavior - class conflict and exploitation - would disappear" (Slade & Light, 2015, p.148). On the other hand, the most heinous crimes were committed by the state and those in power. The Soviet Union used torture and forced deportations of people who either were among the elite of society (bourgeoisie and 'kulaks') or were thought to be against the Soviet system ('traitors') meanwhile imprisoning also other non-political criminals. Although there was no official distinction between political prisoners under the Criminal Code in the Soviet Union (Amnesty International, 1975) in practice political prisoners were treated differently from others. According to the memories of a political prisoner the different treatment was based upon the lack of trust in 'traitors' 'they were not trusted with any work within the prison, but sat and waited for their sentence, after which they were sent on the prisoner transport to the camps' (Celmina, 1986, p.27).

The Soviet Union certainly failed to achieve the expected 'crime free' union. The elimination of private property did not support the basic Marxist premise that crime is a socio-economic phenomenon. Even if the crime related statistics were kept secret from the mass of the people and international observers the continuous existence of prisons and a prison population is undisputable. The first official crime statistics were released only in the late 1990s (Butler, 1992) due to the fact that crime was linked to Western society and capitalism and it would be an embarrassment to admit the criminality of fellow comrades. However, some explanation for failing to achieve the 'crime free' union was provided by the Minister for Internal Affairs Shchelokov in 1973 when he tried to defend the idea 'under Socialism crime is not a form of protest against the existing conditions of life [i.e. as it is in the West] but above all the result of moral deformation of the personality, intellectual retardedness and low culture (Open Society Archives, 1973). Criminals were to be blamed for their 'faulty nature' and there was no mention of the Soviet gulag camps or political imprisonment. In fact there was no reference at all made to 'political prisoners' within Soviet law or policy statements. Political imprisonment was acknowledged by Soviet leaders regarding Stalin's reign but its

continuous application after his death was denied. Internationally the Soviets insisted that penal institutions within the Soviet Union observe and provide 'even better safeguards and conditions for the prisoners than those required by the United Nations' Standard Minimum Rules for the Treatment of Prisoners' (Amnesty International, 1975, p. 5).

Despite the denial political imprisonment was rife and since the early days of the Soviet Union the prosecution of the opposition was a prerequisite for building the first socialist state. Such prosecutions continued throughout the Soviet regime forming an integral part of the system since indiscriminate punishment even to innocents ensured that nobody felt secure and everyone obeyed the system. So called 'state enemies' were tried under Article 58 and, quoting Solzhenitsyn, 'in all truth, there is no step, thought, action, or lack of action under the heavens which could not be punished by the heavy hand of Article 58' (Solzhenitsyn, 1973, p.60). Thus Article 58 was used among other tools for indiscriminate punishment. The rate of imprisonment would have been much lower if those heavy repressions had not taken place. However, those brutal controls and repressions were not a perversion of the system, but the natural consequence of attempting to create a new kind of society (Montaner, 2006). To some extent this approach succeeded in creating a society that contrasted with the Western capitalistic world. However this came at a cost to the human rights and freedoms of all Soviet people even without mentioning all those innocent people who paid with their lives.

Another strategic penal decision applied by the Soviet Union was the 'in exile' imprisonment (Piacentini & Pallot, 2014). Although this practice, similar to the execution of the political opposition, predates the Soviet Union the sheer number of people affected by those practices was especially high during the Soviet period. The 'in exile' imprisonment displaced 'political opposition, criminality and social deviancy to the peripheries' (Piacentini & Pallot, 2014, 22) as well as ensured a consistent supply of a reliable work force to the most remote areas.

The use of prison labour was especially prominent during Stalin's reign which can be best represented and understood by his personal view 'death solves all problems. No man, no problem' (Amis, 2002, p.57). Stalin understood the economic viability of prisoner labour and as the death of a large amount of people was not one of his concerns, he acted accordingly. During his reign the number of imprisoned people in camps increased but at the same time prison conditions were made more bearable in order to prolong the life expectancy and consequently the camp productivity. During Stalin's era immense projects were delivered by prison labour such as the building of the Moscow channel and the reconstruction of the Moscow State University, while many prisoners were forced into mines and infrastructure

works in rural territories (such as Siberia). Allegedly from 1929 (the year of Gulag major expansion) till 1953 (the death of Stalin) an estimate of 18 million people passed through this system and 'another six million were sent into exile, deported to the Kazakh deserts or the Siberian forests' (Applebaum, 2003, pp4-5). Thus crime and criminality had an ambiguous place within the Soviet regime but undeniably prison labour contributed towards building and maintaining the Soviet Union.

2 The Soviet Legacy

Some might be fascinated by the post-Soviet region encouraging further studies of the former Soviet Union countries (Slade & Light, 2015) that is indeed essential in order to shed some light on what happened on the other side of the iron curtain and understand its legacy. There is an ongoing discussion among scholars about the Soviet legacy that continues to affect many of the post-Soviet country penal systems. Solomon (2015, p.159) has argued that the failure to eliminate the 'defining features of the Soviet criminal justice' framing them as 'distorted neo-inquisitorialism' has continued the Soviet tradition of 'the excessive power of investigators and weakness of judges'. This argument could be further evidenced by considering the disproportionate number of remand prisoners, for example, in Latvia on April 2014, 42.5 % of the total prison population were on remand (Walmsley, 2014) which indicates the excessive power of the investigation stage.

Piacentini and Slade (2015) have argued that one of the Soviet legacies is carceral collectivism which is based on three essential characteristics: penal governance rooted within peer surveillance, prisoners provided with diffused authority and governance, and a communal dormitory type living. That can be also evidenced by the imprisonment system in Latvia, where adherence to international standards regarding prisoner rights is still being criticised, especially in relation to living conditions (poor material conditions and overcrowding) (*Committee for the Prevention of Torture, Inhuman and Degrading Treatment Report following the September 2013 visit to Latvia*, 2013) and the use of large dormitory type cells with a capacity of up to 30 people (Spure, 2015).

Some other wider socio-legal implications were ostensibly inherited from the Soviet Union, such as the constant attempt to 'cheat the system'. During the Soviet times 'cheating the system was an important aspect of survival in the Soviet Union. While burglary and personal theft were rare (ethical issues aside, there was little to steal from one another), millions of workers regularly pilfered from their place of work' (Rawlinson, 2010, p.61). Apart from pilfering the Soviet citizens could witness the 'moral hypocrisy' of the Communist party (the

corrupt and well-off elite) that further eroded the citizen value of honesty (Ariely et al., 2014). Party members did not have to queue for goods, they had special stores where they could shop, they lived in nice houses and had cars (Boettke, 1993).

Kosals and Maksimova (2015, p.279) have argued that 'dual reality' affected the major social institutions in Russia which implies that 'informality largely overtakes the formal institutional setting and shapes behavior within formal roles' enhancing corruption and establishing a 'favour system' or 'blat'. Favarel-Garrigues (2011) has previously studied its link to the Soviet period.

Conclusion

The Soviet legacy left a lasting footprint not only on a formal level, but also on individuals. People experienced a complete change of the system from being completely dependent on a nurturing yet despotic state apparatus to a liberal democracy where each individual was left to their own means to succeed in the competitive market economy. The new system gave opportunities for people to make free choices, to act freely and to have the chance to become who ever they wanted to become (Boettke, 2003) whereas previously all spheres of human life were controlled. The Soviet Union sought to regulate not only all economic and political matters but the attitudes, values, and beliefs of its population determining the kind of human being one should be (Bergman, 1998). Thus, the paranoia of being controlled and distrust in fellow citizens did not end with the breakdown of the Soviet Union, it continued to exist in the minds of people that carried the real legacy of the Soviet Union. The Soviet Union's 'human production line' that lasted for more than five decades created a 'real' Soviet generation. I am one of the daughters of the 'real' Soviet generation parents who were born just after the death of Stalin and I came to realise that even I carry on the footprint of the Soviet Union like many other descendants of the 'real' Soviet generation. The Soviet legacy is encapsulated within people who lived and endured the communist workers' utopia as well as their descendants. The legacy continues.

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